

MEMORANDUM OF ASSOCIATION

OF

SPARSHAM CHARITABLE SOCIETY

(A Society Registered under the Travancore – Cochin Literary, Scientific and Charitable Societies Act, 1955. Act XII of 1955)

1. Name

The name of the Association shall be “ SPARSHAM CHARITABLE SOCIETY”

2. Office

The Registered office of the Association will be at

**Sparsham Charitable Society
213G, Tower 2, DD Diamond Valley,
Edachira, Thengod PO, Kakkanad,
Kerala - 682030**

**(3rd Amendment, on 01/06/2019)*

3. The area of operation of the Association will be within the territories of Kerala State.

4. The objects for which the Association is formed are:

- a. To promote, aid, help and encourage, and develop the children who have poor financial status and as far as possible to work in conjunction with similar other associations;
- b. To sponsor the children who have poor financial status and also the children in the orphanage for their studies and to achieve a better life.;
- c. To give study equipments, dresses, food, to the poor children for their better life and to procure for them benefits, special advantages and concessions of all kinds;
- d. To establish and conduct Educational ,Technical and Training Institutions for the development, and welfare of the orphan children and the children who have poor financial status.

- e. To encourage the growth of friendly feelings amongst the members and amongst persons engaged in social service in order to achieve absolute unity to protect the rights of weaker section of people in the society;
- f. To maintain a library for the benefit of the members.
- g. To establish Institutes for the development of talents of the children in Art, literature, sports and athletics.
- h. To correspond, appear, on behalf of the members of the association before all authorities and act on behalf of the association and to aid and advise, if called upon, any such authorities;
- i. To co-operate and aid the Governments in their efforts to develop the weaker section of peoples and the poor children;
- j. To generally purchase, take on lease or in exchange, hire or otherwise acquire any movable or immovable property and any rights or privileges which the Association may think necessary or convenient for any of the purposes for which it is established;
- k. To acquire by gifts or by donations, monies, properties or articles or to raise funds by entertainments;
- l. To draw, make, accept, endorse and execute promotes, bills of exchange, cheques, and other negotiable instruments;
- m. To make and give receipts, releases and other discharges for money payable to the association;
- n. To pay out of the association fund, the costs, charges and expenses, preliminary and incidental for the formation, establishment, and registration of the Association.
- o. To further the above objects of the association irrespective of Caste, religion and sex.
- p. The Association shall be irrevocable in Nature.

**(1st Amendment, on 06/10/2019)*

RULES AND REGULATIONS
OF
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In these rules, unless the context otherwise requires words and phrases defined in Travancore Cochin Literary, Scientific and Charitable Societies Registration Act XII of 1955 or any statutory notification thereof in force on the date on which these rules and regulations become binding on this Association shall have the meaning, so defined, and words importing the singular include the plural and vice versa and words importing persons shall include bodies, incorporate and associations.

The Rules & Regulations for the management of the Association and for the observance thereof by Members and their representatives shall be subject to the exercise of the statutory powers of the Association in reference to the repeal or alteration or addition to its Rules and Regulations shall be by special resolution or resolutions, as prescribed or permitted by the Travancore Cochin Literary Scientific and Charitable Societies Registration Act XII of 1955, be such as/or contained in these articles. Where any special provisions were not made in these Rules or Articles the provision of the Travancore Cochin Literary Scientific and Charitable Societies Registration Act XII of 1955 shall be deemed to apply to this Association for the said purpose.

If due to any future amendments be made to the Societies Act and if such amendments are in conflict with these Rules and Regulations, shall become void and be deemed to have been deleted, added, altered, or amended to the extent they are in conflict with any future amendments that may be made in the Societies Act.

5. Interpretation

In these Rules :-

- a. The Association means SPARSHAM.
- b. The Office means the office of SPARSHAM.
- c. The Committee means the Executive Committee of SPARSHAM.
- d. Official year means period of 12 months beginning on the 1st April every year and ending on the 31st March of the succeeding year.
- e. Month means English calendar month.

6. Membership

- a. The Membership of the Association is open to all who is an Indian national by birth and have attained the age of 18 years and having a proper address which cannot be “care of” address of any person unrelated to the applicant
- b. Members will be enrolled in their name.
- c. He/ She must be willing to work for the furtherance of the aims and objectives of the Association.
- d. Every person applying for membership shall pay an entrance fee of Rs.200/- (Two Hundred Only) and a monthly subscription of Rs.300/- (Three

Hundred).

**(3rd Amendment, on 01/06/2019)*

- e. The monthly subscription for every month shall be paid before the 1st day of the next succeeding month. There shall be a fine of Rs.2/- for every month for the payment of monthly payment after the last day of every month till the date of payment.
- f. The monthly subscription can be paid fully as an advance for an official year in a lump-sum irrespective of the fact that the member was admitted at any time during such official year. Subscription once paid by a member is under no circumstances refundable by reason of the member resigning his membership or otherwise ceasing to be a member for any reason whatsoever.

**(3rd Amendment, on 01/06/2019)*

- g. The General body of the Association duly resolved at a General Body Meeting shall be entitled to increase or decrease the entrance fee as well as the annual subscription as it deems fit according to circumstances.
- h. Every member seeking for admission to the Association shall be duly proposed and seconded by two regular members of the Association out of which one shall be a member of the Executive Committee.
- i. The application shall be in the form prescribed by the Executive Committee giving all details and shall be accompanied by entrance fee and the subscription.
- j. The admission of members who apply for membership of the Association shall be in the sole discretion of the Executive Committee which may adopt such procedure as it may deem fit from time to time. In case the Executive Committee resolves not to admit any applicant it is not bound to give any reasons and the amount paid by the applicant will be refunded. Any applicant whose application is rejected is entitled to apply once again after a lapse of a period of six months from the date of such rejection.
- k. Any regular member whose monthly subscription is in arrears more than 2 months shall not be entitled to take part in any General Body Meeting of the Association or seek nomination for election as an office bearer or a member of the Executive Committee of the Association or exercise any right of.
- l. If a member fails to pay his subscription and is in arrears for a period of more

than 12 months, automatically he ceases to be a member and he may be removed by the Committee. Any member who loses his membership in the above manner may be readmitted on payment of arrears of subscription and re-entrance fee of Rs.100/- and on terms and conditions laid down by the Committee.

- m. Every member hereby undertakes that he will strictly abide by all the rules and regulations of the Association and also resolutions of the Committee and General Body. In case any member does not abide by the rules and regulations mentioned above, the Committee shall have the power to expel such member from the Association, after calling for an explanation from such member and considering the same. The Executive Committee by a majority of the total strength of Executive Committee after considering the explanation shall have powers either to impose a fine or expel such members.

7. Executive Committee

- a. The Association shall be managed by an Executive Committee which shall consist of not more than 9 members including the office bearers – Viz., One president, One Vice-President, One Secretary, One Joint Secretaries and One Treasurer.
- b. All the members of the Executive Committee including the office bearers shall be elected for One years.
- c. The entire Executive Committee including the office bearers shall retire at every year in the General Body Meeting of the Association but shall continue till a new committee is elected.
- d. All the retiring members of the Executive Committee shall be eligible for re-election as new Executive Committee members.
- e. No office bearer shall be eligible for seeking Election for the same post for more than one term at a stretch.

8. Power of the Executive Committee

- a. Subject to the Memorandum of Association and rules of the Association, the Committee shall have the power for the conduct and general management of the business and affairs of the Association and shall have the power and

authority to acquire any property, rights and privileges; to make all purchases and sales; to enter into all contracts and execute all agreements and other documents for and on behalf of the Association to Institute, conduct, defend, compromise, refer to arbitration and to abandon legal and other proceedings, claims and disputes in which the Association is concerned; to appoint legal advisors, solicitors, engineers, bankers and auditors for the Association to examine and check accounts to prepare the annual accounts, and reports for submission to the Annual General Body meeting, to elect any member or members of the Association to represent the Association, and to do all other acts and things usual, necessary, expedient and desirable in the management of the affairs of the Association or in carrying out its objects.

- b. To engage a manager, clerks, servants, and other employees required for the Association, fix their duties, salaries etc., take disciplinary action against and remove all or any of them from service if necessary.
- c. To appoint Sub-Committees or other legal bodies for the purpose of carrying on the Subjects of the Association and delegate necessary powers to them.
- d. From time to time, to make, vary and repeal and byelaws not inconsistent with the Memorandum of association or these Articles as may be necessary or expedient or convenient for the proper conduct, management and control of the Association, its members, its properties and effects.
- e. The Committee shall notify the fact of any rules and bylaws made under these Articles by a notice to that effect being kept pasted for 7 days on the Notice Board at the Registered Office, or by email and/or website of the Association. The Association shall send to every member at his request within 14 days thereof on payment of such sum as it may prescribe a copy of such rules and bye-laws as above said.
- f. To determine and to make arrangements as to who shall be entitled to sign on the Association's behalf, cheques, bills, receipts, vouchers, hundies, contracts and other documents of whatsoever nature.
- g. To enter into all negotiations and contracts and to receive and vary all such contracts and do all such acts, deeds and things in the name and on behalf of the Association they may consider expedient for or in relation to any of the matters above named or otherwise for the purpose of the Association.

- h. To purchase all articles, things, and also to purchase, take on lease, or otherwise acquire any buildings, houses, or other immovable property as may be necessary or expedient for the purpose of the Association and to pay for the same in cash or otherwise.
- i. To commence, institute, prosecute, defend all such actions and suits as the Committee may deem necessary or expedient on behalf of the Association and to compromise or submit to arbitration the same as in their discretion they may think fit.
- j. To invest and deal with the funds of the Association in or upon such securities and in such manner as they think fit and from time to time vary or realize such securities.
- k. From time to time at their discretion borrow any sum or sums of money for the purpose of the Association and secure the payment of such monies in such manner as they may deem fit.
- l. The Executive Committee shall provide a common seal for the purpose of the Association and the seal shall be under the custody of the Secretary.
- m. Deeds, Bonds, Contracts and other instruments affixed with the seal of the Association and signed by the President or the Secretary and countersigned by the Treasurer shall be deemed to be duly executed

9. Rights and Duties of Office Bearers

I. President

- a. The President will be the Head of the Association and he is expected to guide and lead the Association in such a way so that it moves in fulfilling the aims and objectives mentioned above.
- b. The President will preside over all meetings of the Association. He will be impartial in his decisions. He has the authority to judge and give a ruling on all important matters.
- c. In matters where there is a sharp difference of opinion the President shall see that justice prevails. In taking such decision he shall consult the parties concerned and convince them about the pros and cons of the arguments. Conciliation adjustment and the well being of the Association shall be the

principles which should lead the President in all his activities.

- d. The President will take active participation in making the administration matters of the Association in consultation with the Secretary.
- e. He is free to exercise his right as President in all matters, if his decisions do not go against the interests of the Association.

II. Vice-President

The Vice- President will act as President in the absence of the President. Anyone of the Vice-Presidents can act in the place of the President in his absence. The Vice-President have all the powers of the President in the absence of the President.

III Secretary

- a. Secretary will be the Administrative officer of the Association. He will act in consultation with the President and Executive Committee. He is to implement the decisions taken by the Executive committee. He will represent the Association in all authorities and in all proceedings.
- b. The Secretary shall be entitled to carry on the correspondence of the Association, to attend all meetings of the General Body and of the Committee, and to record the proceedings of such meetings, to ,any before the Committee for consideration applications for membership, and suggestions from members, to convene meetings of the Executive Committee with the approval of the President and to perform such other duties as may be assigned to him from time to time by the Executive Committee and to conduct the entire business of the Association and manage the staff and its departments.
- c. The Secretary will operate Bank account jointly with the Treasurer of the Association.
- d. Where urgent decisions are necessary the Secretary can take such decision independently and act accordingly with the sole motive of promoting the interests of the Association. In such cases he shall get ratification of his action in the immediate executive meeting.

IV Joint Secretaries

The joint Secretary of the association has to assist and act on behalf of the Secretary as suggested by him.

V Treasurer

Subject to the control of the Committee, the Treasurer shall collect or cause to be collected all subscriptions, donations, etc., make payments on behalf of the Association as may be directed by the Committee from time to time against proper vouchers duly passed and signed by the Secretary, invest all monies in excess of whatever is actually needed, in a Bank or banks as directed by the committee, draw, sign cheques jointly with the Secretary on the funds of the Association deposited with any Bank or Banks, to draw, accept , endorse and negotiate any promissory notes, bills of exchanges, hundies and other negotiable instruments, and sign receipt for the monies payable to the Association. He shall be liable to account for all monies received and disbursed by him.

10. Funds

- a. The income and property of the Association howsoever derived shall be applied solely for the promotion of the objects of the Association as set forth in the Memorandum of Association and no portion thereof shall be paid or transferred directly or indirectly by way of profit to the members of the Association provided that nothing herein contained shall prevent the payment in good faith or remuneration to any officer, member or servant of the Association or any other person for any service actually rendered to the Association.
- b. No member of the Committee shall be entitled to any remuneration except out of pocket expenses and Traveling expenses.
- c. The Executive Committee subject to the clauses above, shall have absolute discretion in managing, administering, expending and in directing the administration and expenditure of the funds of the Association for the protection and advancement of the interest of the Association and its members, and in carrying out and furthering the objects of the Association.
- d. The Preliminary expenses in connection with the formation of the Association

shall be paid out of the funds of the association.

11. Accounts

- a. The financial year of the Association shall end on 31st March of each year or on such date as the Committee may decide to which date the accounts of the Association shall be finalised.
- b. The Association shall open accounts with a bank or banks as may be decided by the Executive Committee from time to time.
- c. The Executive Committee shall ensure that proper accounts and registers of the Association are maintained as it may deem fit and proper from time to time or alter or introduce new methods in keeping the registers of the Association as it may think fit.
- d. Within 3 months from the date of closing the accounts each year the Executive Committee shall get the accounts of the Association audited and certified by an auditor who shall be appointed at each Ordinary General Body meeting and shall also cause to be prepared :-
 - e. A statement showing the receipts and disbursements during the previous year.
 - f. A statement showing assets and liabilities as they stood on the last date of the previous year, and
 - g. Also a provisional budget for the next year.
- h. These statements along with the report of the activities and work done during the previous year duly signed by President, Secretary and Treasurer shall be sent to every member and shall be placed at the next annual General Body Meeting to be held soon after the statements are ready. This rule shall not, however, apply for the first year.
- i. The books of accounts shall be kept at this office of the Association and shall be open for inspection by any member of the Association during the office hours.

12. Election

- a. The Election to the Executive Committee shall be conducted in the Annual General Meeting. Only members have voting rights.
- b. The Secretary shall prepare a list of members who are entitled to vote at the Annual General Body Meeting and put on the notice board and shall also

supply to any member who requests for the same.

- c. The existing Executive Committee shall prepare and propose a panel of new Executive Committee and the proposed members shall also file a nomination before the secretary and the same shall be published on the Notice Board or on the website of the Association not less than 10 days before the date of the Annual General Body Meeting.
- d. If any member is opposing the proposal of the existing Executive Committee, he/she shall file Nomination for the Executive Committee in the prescribed forms before the Secretary not less than 7 days before the date of the Annual General Body Meeting.
- e. Every candidate shall be proposed by one regular member who is not in arrears of subscription.
- f. If any such new valid nomination has received by the secretary the same shall be published on the Notice Board or on the website of the Association immediately not less than 6 days before the date of the Annual General Body Meeting.
- g. The nominations so received shall be scrutinized by the President and the Secretary on a day fixed and a list of valid nominations shall be published on the Notice Board or on the website of the Association of the Association not less than 5 days before the date of the Annual General Body Meeting.
- h. Any candidate duly proposed and whose nomination was scrutinized and found valid can withdraw his candidature not less than 3 days before the date of the Annual General Body Meeting.
- i. If the number of candidates standing for the election does not exceed the number of Executive committee, such candidates shall be declared duly elected to the Committee at the Annual General Body Meeting.
- j. If the number of candidates standing for the election exceeds the number of vacancies to be filled by election, elections shall be held in the manner set out hereunder.
- k. The Secretary shall either print or cyclostyle ballot papers containing the names of the candidates for the Executive committee whose nominations have been found in order. Each member attending the Annual General Body Meeting are entitled to vote shall be given one copy thereof at the Annual

General Body Meeting.

- l. Those who are eligible to vote and whose name is on the list of members shall mark 'X' against the names of the candidates for whom he wishes to vote, fold the ballot paper and deposit in the sealed ballot box provided therefore.
- m. The Chairman of the Annual General Body Meeting shall appoint one or two members or other persons as scrutinisers who will count the votes in favour of each candidate in the presence of the Chairman and the Chairman shall declare the names of the candidates who got larger number of votes as duly elected.
- n. If there is a tie between candidates each having secured the same number of votes, lots will be drawn, for determining the winning candidate.
- o. After electing the Executive committee the Executive committee shall held its first meeting on the same day of the Annual General body and Elect the office bearers of the association from the Executive committee.
- p. If there is any dispute for electing the office bearers in the executive committee, open election shall be done among the members of the Executive committee members and persons who got majority support for each post shall be selected as an office bearer of the Association.
- q. After selection of the office bearers the same shall be declared in the same Annual general body.

13. Meeting & Quorum

- a. The Office Bearers shall meet at least once in every month.
- b. The Executive Committee shall meet at least once in every 2 months and can also meet at any time, if there is urgent work. Any Five members of the Executive Committee are entitled to requisition a meeting of the Executive Committee to consider any urgent matter by writing a letter to the President or the Secretary.
- c. The President shall preside at the Executive Committee Meetings and in his absence one of the Vice-President will preside over the meeting. If both the President and Vice-Presidents are absent the Committee shall elect one among them to act as President of the meeting.
- d. The quorum for an Executive Committee meeting shall be five. If there is no quorum at any meeting, the meeting shall be adjourned by the Chairman to

another date.

- e. The proceedings of the Executive Committee shall be recorded in the Minutes Books maintained for such purpose and at the end of the meeting shall be signed by the members who were present.
- f. If any number of the Executive Committee fails to attend three Consecutive Meetings of the Committee he shall be deemed to have ceased to be a member of the Committee. The Executive Committee shall have power to condone the absence of the member for valid reasons.

14. General Body Meetings

- a. A notice of every General Body Meeting shall be given to all members fixing the date for the Annual General Body Meeting and calling for nominations to the various offices and Executive Committee fixing up the date and time for receipt of nomination, scrutiny of nominations publication of valid nominations and poll if necessary.
- b. Annual General Body Meetings shall be held not later than 30 June of every year and at such time and place as may be determined by the Executive Committee. Such Annual General Body Meeting shall be called “Ordinary General Body Meetings” and all other General Body Meeting shall be called “Special General Body Meetings”.
- c. The Executive Committee may whenever it thinks fit and shall on requisition made in writing by any 10 regular members entitled to be present and vote thereat when the requisition is submitted, call for a Special General Body Meeting of the Association.
- d. All requisitions made by members shall state the reasons and objects for calling the Special General Body Meeting and shall be duly signed by all the requisitionists and delivered at the Registered Office of the Association.
- e. On receipt of such requisition the Executive Committee shall forthwith proceed to call a Special General Body Meeting within one month of the receipt of such requisition giving 14 days notice to every member.
- f. However, the Executive Committee is empowered to call a Special General Body Meeting to discuss any urgent or important matters affecting or concerning the Association in which case 3 days notice is sufficient.

- g. Twenty One days' notice under certificate of posting of every Annual General Body Meeting specifying the place, day and hour of the meeting shall be given to the members but non-receipt of such notice by any member shall not invalidate the proceedings at any General Body Meeting.
- h. Any member wishing to move any resolution at any Annual General Body Meeting shall give at least 14 days notice in writing to the Executive committee his intention to move the resolution and discussion will be confined thereto or to reasonable amendments thereof. Notice of any such resolution shall immediately upon receipt of notice by the Committee be given to every member of the Association under Certificate of Posting and non-receipt of such notice by any member shall not prevent the resolution being put to the meeting.
- i. No business shall be transacted at any General Body Meeting unless quorums of 10 members are present.
- j. The President may, with the consent of the members, adjourn the meeting from time to time and place to place but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting was adjourned.
- k. The president of the Association shall preside over the General Body Meeting. If at any General Body Meeting the President is not present, the Vice-Presidents shall preside and in the absence of the President, the members present shall choose one among themselves to preside over the meeting.
- l. All resolutions and questions coming up before the General Body Meeting shall be decided by a show of hands and by a single majority. If ten members present at the meeting demand a poll, the President then shall, make arrangements for holding a poll and declare the result of such poll. In either case whether a matter be decided by a show of hands or poll the president shall have a casting vote, in case of an equality of votes.
- m. Poll demanded on the election of a President or on a question of adjournment shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the President decides.
- n. A notice may be given by the Association to any member personally or by sending it by post or by email to him to his registered address intimated to the

Association.

15. Filling of casual vacancies

- a. All casual vacancies which may occur in the Executive Committee for any reason whatsoever will be filled up by co-option by the Executive Committee, and such co-opted member shall continue to be a member of the Executive Committee until the next Annual General Body Meeting.
- b. Any casual vacancy in the office of the President, the Vice-President will take over as President.
- c. Casual vacancies in the case of Vice-President, Secretary, Joint Secretaries and Treasure will be filled up from the members of the Executive Committee. Members shall be filled up by co-option from the regular members.

16. Removal of the Office Bearers or Committee

- a. If one third of the members of the General Body give notice to the Secretary in writing asking permission for moving a no confidence motion against any office bearer, executive member, or Executive Committee as a whole, then the Secretary shall receive the same and urgent General Body Meeting shall be convened. In the General Body Meeting the motion will be presented and it should be put for voting and if 2/3 of the total strengths of the members present vote to the motion then it will be passed.
- b. If the no confidence motion was carried against the Executive as a whole, all the members of the Executive Committee including the office bearers shall resign immediately and the President and Secretary will continue as caretakers until a new set up is made after conducting election. The president and Secretary shall not continue for more than thirty days as caretakers. Within this thirty days Election shall be conducted.
- c. At least three weeks' notice shall be given to the Secretary for moving a non-confidence motion.

17. Dissolution Or Amalgamation

- a. If upon the dissolution of the Association there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid or distributed among the members of the Association but shall be transferred to another Association having similar objects to be determined by

not less than two-thirds of the members of the Association present at the time of dissolution, or in default by a competent Court at Ernakulam.

- b. Any alteration, extension or abridgement of any purpose or purposes of the Association or amalgamation with any other association shall be effected in the manner prescribed by the Societies Registration Act.
- c. In the event of dissolution, the net assets if any after satisfying all the debt and liabilities shall either be transferred to Societies/Trusts having the same or similar objects or shall be vested with the Government.

18. Amendments

- a. Any alteration or amendment of the Rules of the Association shall be effected by the votes of three-fifths of the regular members of the Association after giving due notice to the members specifying the proposed alteration of amendment.
- b. No amendment to the Memorandum, Rules and Regulations will be made without the prior approval of the Commissioner of Income-Tax.

In cases of any matter not covered by these rules and regulations, the provisions of the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act XII of 1955 shall apply.